

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

GEORGE PRESLEY and
JEANNINE PRESLEY

PLAINTIFFS

vs.

Case No. 04-5294

LAKEWOOD ENGINEERING AND
MANUFACTURING COMPANY

DEFENDANT

O R D E R

During a conference call on August 30, 2005, plaintiffs made an oral motion to non-suit this case and defendant advised that it had no objection to the motion. Upon due consideration, plaintiffs' motion to non-suit is **GRANTED** and this action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Should plaintiffs re-file this action, the Court may consider requiring plaintiffs to compensate defendant for any duplicative costs and attorney's fees incurred.

IT IS SO ORDERED this 2nd day of September 2005.

/S/JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE